

# ***Town of Frederick Town Board***



Eric Doering, Mayor

Tony Carey, Mayor Pro Tem  
Gerry Pfirsch, Trustee  
Sue Wedel, Trustee

Rafer Burnham, Trustee  
Amy Schiers, Trustee  
Jim Wollack, Trustee

---

**IM 2010- 010**

---

## **To Discuss Possible Zoning Amendments in Downtown and the Surrounding Vicinity**

---

**Agenda Date:** July 27, 2010

**Attachments:** a. Downtown Vicinity Zoning Map

**Issue/Request:**

As a result of the Downtown Development Plan, the regulations for the Downtown have been redrafted and it is proposed that the zoning change on a number of properties.

---

**Submitted by:** Jennifer Simmons<sup>48</sup>  
Planning Director

**Approved for Presentation:** [Signature]  
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

---

**Certification of Board Review:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

**Detail of Issue/Request:**

A result of the Downtown Development Plan was to create new regulations to apply to the Downtown Zoning District. Two zoning districts, Downtown-A or Downtown-B, have been created to establish unique allowed uses and development standards for subject property within the downtown area of Frederick. It is the intent of these standards to help preserve and protect the existing, historic, and unique character of the downtown by requiring new construction, remodels, and existing construction to complement the existing built environment. Additionally, through the application of these standards, the downtown will continue to be the pedestrian-oriented shopping, dining, entertainment, and living center of the Frederick community. The area recommended to having the zoning designation changed is designated on the attached map.

There are other properties within the broader area that are currently zoned downtown commercial (see attached map). Should we proceed with designating the identified properties in the original downtown as Downtown-A or Downtown-B, we need to not use downtown commercial in these outlying areas. Accordingly, there are a few properties designated as neighborhood commercial that may also need an amendment to have neighboring properties have consistent zoning. The attached map shows 33 properties within approximately one-half mile of downtown that are zoned either downtown or neighborhood commercial. Each property's owner is identified along the right hand side of the map. The properties are generally adjacent to Colorado Boulevard, Frederick Way, and 1<sup>st</sup> Street.

#### **Proposed Process**

Should the Board of Trustees choose to move forward with the zoning amendments, I would suggest that the first step be to hold two meetings. The first meeting would be for the property owners within the downtown zoning district (as proposed) to inform them of the proposal and answer any questions they may have. The second meeting would be for those property owners who have property zoned downtown or neighborhood commercial outside the downtown area as identified on the attached map. My recommendation would be to change the zoning on all the properties except numbers 28, 29, and 30 which are all on Frederick Way and designated as neighborhood commercial.

Once these meetings have been held, I would work to amend any necessary documents and schedule Planning Commission and Board of Trustees meetings. The Downtown Regulations (Code Amendment) would be scheduled to be adopted prior to the zoning amendments.

#### **Legal/Political Considerations:**

Any zoning change in a developed area should prompt an inquiry regarding the uses that will become non-compliant or unavailable as a result of the change and the associated impacts (real or perceived) by property owners. Currently, though substantially similar overall, the Downtown Commercial zone is slightly more permissive in allowed and conditional uses than is the Neighborhood Commercial zone. To the extent the Downtown A/B zone will track with either of these two sets of uses, the change may be considered a down-zone, reducing the list of possible uses, potentially affecting the economic value of those properties. Periods of disparate zoning within partially-developed subdivided areas also lead to structures and uses within the same subdivision that may not be compatible with adjoining uses. Though there is no property interest/right against changing zoning, there will likely be some political push-back if affected landowners feel their properties have been rendered less valuable by the change.

#### **Alternatives/Options:**

The Board may choose to move forward with contact property owners to begin the process of rezoning or choose not to move forward.

#### **Financial Considerations:**

Staff time will be spent on this project, but no outside consultants are needed to accomplish the rezoning.

#### **Staff Recommendation:**

Staff recommend moving forward with the process.